

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES M. UPTHEGROVE,

Plaintiff,

v.

HEALTH PROFFSSIONALS LTD.,
DR. CULLINAN, DR. ROMANA and
STACY ROSE, R.N.,

Defendants.

ORDER

07-cv-719-bbc

This case was filed originally in the Circuit Court for Eau Claire County, Wisconsin. Before all of the defendants could be served, defendant Health Professionals, Ltd. removed it to this court on December 26, 2007. Several weeks later, on February 6, 2008, the record of the case was transmitted to this court and plaintiff's complaint was placed under advisement for screening. (Because he is a prisoner, plaintiff is subject to the 1996 Prison Litigation Reform Act and his complaints require screening under 28 U.S.C. § 1915A.)

On February 14, 2008, before plaintiff's complaint could be screened, Magistrate Judge Stephen Crocker held a preliminary pretrial conference in another of plaintiff's cases, Upthegrove v. Health Professionals, Ltd., 07-cv-596-bbc. During the conference, plaintiff

indicated that he intended to ask for voluntarily dismissal of this case because the claims he raised in his complaint are the same claims he raised in case no. 07-cv-596-bbc. True to his word, plaintiff now has filed a request for leave to dismiss this action voluntarily. Fed. R. Civ. P. 41(a)(2).

Because plaintiff concedes that his claims in this action duplicate the claims he is prosecuting already in case no. 07-cv-596-bbc, I will grant his request that this case be dismissed voluntarily.

ORDER

IT IS ORDERED that plaintiff's motion for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(2) (Dkt. #6) is GRANTED. The clerk of court is directed to close this file.

Entered this 10th day of March, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge